

REMARKS

Claims 1, 2, 4-12, 14-18, 20-28, 30-34, 36-44 and 46-48 are currently pending in the present application. Applicants note with appreciation the indication of allowable subject matter with respect to claims 7, 23 and 39. With entry of this Amendment, Applicants amend claims 7, 23 and 39. Reexamination and reconsideration are respectfully requested.

Summary of Recent Prosecution

Applicants briefly summarize below the recent prosecution for the Examiner's benefit. The Examiner finally rejected the pending claims (with the exception of claims 7, 23 and 39) in an Office Action dated May 17, 2005. Specifically, the claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yun (US 5298674) in view of Choi et al. (US 5726373). Claims 7, 23 and 39 were found to recite allowable subject matter.

Applicants responded on July 1. They argued that the finality of the rejection should be withdrawn and that the rejected claims were patentable over Yun and Choi. Claims 7, 23 and 39 were amended to place them in independent form.

On October 5, the Examiner issued an Advisory Action . The Advisory Action noted that the finality of the rejection was proper. It did not address any other issues, such as whether the claims were patentable over Yun and Choi. The Advisory Action also indicated that the amendments to claims 7, 23 and 39 were not entered.

After discussing the matter with the Applicants' representative, the Examiner agreed to withdraw the finality of the rejection. Applicants appreciate the Examiner's courtesy. The Examiner then issued the present, non-final Office Action on January 31, 2006. The Office Action is apparently identical to the Office Action of May 17, 2005 in that all of the pending claims are rejected as being unpatentable in view of Yun and Choi. Claims 7, 23 and 29 are indicated as being allowed.

Claims 7, 23, and 39

It is unclear whether the previous amendment to claims 7, 23 and 39 has been entered. In the Advisory Action of October 5, the Examiner indicated that the amendment had not been entered. However, in the present Office Action, the Examiner indicates that these claims are allowed (as opposed to being objected to).

To ensure that amendment will be entered, Applicants have herewith amended claims 7, 23 and 39 to place each claim in independent form. Applicants respectfully submit that claims 7, 23 and 39 are in condition for allowance.

Response to Rejection based on Yun and Choi

The Examiner rejected the remaining claims under § 103(a) as being unpatentable over Yun in view of Choi. The Advisory Action of October 5 did not address the remarks of the Applicants as set forth in the July 1 amendment with respect to patentability of the claims. Thus, Applicants respectfully submit again that the claims are patentable over Yun and Choi.

Claim 1 recites an analyzer that evaluates “at least one feature of said information carrying signal found in a waveform of said information carrying signal.” The feature is “a similarity of said waveform to plural reference waveforms.” A judging circuit then investigates “the evaluation supplied from said analyzer to see what sort of modulation technique exhibits said at least one feature so as to determine the sort of modulation technique employed in said information carrying signal” Thus, the evaluation of the similarity of a waveform in an information carrying signal to plural reference waveforms is used to determine the modulation technique employed in the information carrying signal. This is important because many manufacturers use different modulation techniques, making it difficult for a single reproducing apparatus to reproduce performances from different sources.

As the title of Yun indicates, it is directed to an apparatus for discriminating whether an audio signal is either a vocal sound or a musical sound. To that end, Yun discloses an input audio

signal being input to a pre-processing circuit (block 10 in Fig. 1), then an intermediate decision circuit (block 20) and finally a decision circuit (block 30).

The Examiner concedes at page 5 that Yun's decision circuitry does not consider the similarity of a waveform to plural reference waveforms in analyzing the audio signal. Moreover, Yun fails to disclose a judging unit that uses such an evaluation to determine the modulation technique. Yun's decision circuitry is used merely to determine whether the signal is a vocal sound or a musical sound. Determining whether the signal carries a voice or a song is very different than determining what modulation technique has been employed on the signal.

Choi is directed to an karaoke-type reproduction apparatus which reproduces background images and text in synchronicity with a song that is being simultaneously reproduced. The cited section (Col. 16, line 30 to Col. 17, line 55) relates to an operation of a field distinguisher 204. The field distinguisher 204 is part of a sync signal generator 168 illustrated in Fig. 16. The field distinguisher 204 includes a discriminator 220 that receives a leading edge detection signal VSYP and an internal reference signal HLDE (both illustrated in Fig. 17). Based on whether the HLDE reference signal's pulse is high (as in 238 of Fig. 17) or low (as in 240 of Fig. 17) in comparison to the level of the leading edge detection signal VSYP, the discriminator 220 outputs an odd or even signal corresponding to an odd or even field. This is all in the context of synchronizing the video signal for reproduction.

It appears that the Examiner is citing Choi for its use of comparing the detection signal to a reference signal. However, there is no disclosure in Choi that the result of the evaluation is supplied to a judging unit to determine the modulation technique employed in an information carrying signal. At most, the field distinguisher of Choi is used to determine odd or even fields for video synchronization and, like Yun, there is no disclosure that the field distinguisher can distinguish a modulation technique. Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited references Yun and Choi.

For at least the same reasons as set forth above, Applicants submit that independent claims 12, 17, 28, 33 and 44 are patentable over Yun and Choi.

Applicants respectfully submit that the remaining dependent claims are likewise patentable over Yun and Choi for at least the reasons set forth above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032030500.

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Respectfully submitted,

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